

1888-009 Chancery Causes. Gdn. of Charles C. Carrico to by vs. Charles C. Carrico & Lee Co.

Riddle, Hyatt, Barron, Wyatt

CA-Estate Dispute
T-Property

Virginia Lee Circuit Court 58

To the Honorable Judge
of the said court sitting in chancery,
your orator ^{James} Montgomery Carrier
Guardian of Charles C. Hugh In
Robert C. Harriet Vene Johnnath
an In Carrier, who are of tender
years, Respectfully represents to
your honor, that his said wards
are the only heirs at law of his
late wife Caroline Carrier
whose maiden name was Caro-
line Wyate, her mother was
Lodovica Wyate, who died many
years ago, leaving two children
the said Caroline and her
brother Johnnathan In Wyate
these two children were heirs of
Stephen Jones their mother's
father, who died intestate after
his daughter Lodovica Wyate died,
owner of real estate, that close
passed from him to them
and his other children, incor-
porated with the corner claim
of his widow, these lands were
many years ago partitioned
between the heirs of Stephen

Jones, Mrs Currier then Miss White
and her brother John and their son
White being children of Louisa
White took the share she would
have taken if she had been alive
and being then infants of tender
years. Their share was laid out
together and never was partition
ed between them, it was laid
out in five lots one lot of $4\frac{1}{2}$
acres, the 2d contained ~~two~~ ^{four} nine
acres, the 3d contains 2 acres, the 4th about
3 acres, and the 5th $1\frac{3}{4}$ acres, These
lots do not adjoin each other,
but are separated from each other
by the lands of others that lay
all around them, and some
of them have not a stick of timber
on them, and have been all
the time enclosed with the
fence of those owning the adjo-
ining lands, and of no value
whatsoever to the children, in this
state of affairs your mother
married Caroline, and had
issue by her the sons above
named, and then she died.
In the lifetime of Mrs Currier her

and your orator, feeling that
they could not make said
deeds profitable to them as
a home in its actual condition
sold the interest of said Caroline
in ^{three of the lots} ~~to John~~ ^{to John} Riddle for \$325 and sold
the next largest tract for \$116.75
and the next largest tract for
\$35.00 and your orator gave his
Bond for a title there, and
moved to Wise County and
bought other lands, and the
his said wife after giving birth
to the said children died with
out, ^{they} having collected the pur-
chase money on or near the
land, her right descended to
the said widow subject to his
life time estate as tenant by the
curtesy. The children being infa-
nts could not convey their inter-
est leaving the fee simple with a right
to enter and enjoy said lands
after his death. Your orator
and his said wife have put
~~John~~ Riddle in possession of
their sale. Said Riddle sold
the land to one Wirth and put

him in possession of it came assign
ed your orator Bond for a title to
said Hiatt, and Hiatt sold the
land to John Nathan in Wye
and assigned your orator
Bond to him for a title and
he is now in possession of his
own and his sisters undivided
lots claiming her undivided
share thereof, as purchaser off
said, and looking for a title
to your orator and his heirs
the purchase money to him
has not all been paid, and
as much as the said interest
in said land is still unpaid
and more too, John Nathan
in Wye still owes what he
agreed to pay Hiatt for said
land and refuses to pay it
until he gets a clear title which
the heirs cannot make
the two small tracts that have
not been sold still lies their
wholly valueless to your orator
and his heirs, one Wm N G Bar
ren who is assignee of the Bond
given by John Nathan in Wye

for the purchase money
to Hiatt, has a bill pending
in your honorable court to
sell said Caroline interest for
the purchase money Johnathan
In Wyate agrees to but has not
power, because he can't get a
clear feasible title to it, and
Wyate resists the sale because
the feasible title can't be made
to him, but offers to pay the
money over to your orator to
discharge the purchase money, if
the title can be made, the case
of Burns vs J. In Wyate is referred
to, and will be used as eviden-
ce in this case as pure as it
is admissible to do so, together
with the exhibits therein,
your orator represents that
when him and his said wife
sold that part of the land
they sold to Rivale, prices were
high and they sold it for
a far better price than it
would command if sold
now, he represents it would
be greatly to the interest of

his said Warrant for this Court to
cause them to remove said land
by a commissioner of the Court in
conformity of your order and
an assertion about their share
of the unpaid purchase money
would be, and secure it to them
and keep it at interest until
they, ^{or them} ~~are~~ at age, ~~that~~ to suff-
er the contract to be rescinded,
in which event it would yield
them nothing during your orator's
life time, he further represents
it would be more to his own
interest to sell the two little
detached lots, and ascertain
the present worth of their share
in any interest in said land
and put it at interest for them
^{or them} ~~that~~ to keep said small
lots, which owing to their
small quantity, and peculiar
and detached locality is wholly
worthless to them and your
orator, even if your honor
should decline to confirm
the sale made of the three larg-
est lots by your orator in

his said wife's life time, and
enuse them by a commissioner
to convey it, it would be justly
to their interest to sell it and
ascertain the present value of
their interest in it and put it
at interest for them, your
orator will in due time file a
transcript of the record of the Wise
County Court appointing him
Guardian of the said Ward and
a copy of his Bond to such, and
when filed prays that they may
be considered as Exhibits with this
Bill, your orator being remissalless
in the Courts of Common Law
in the premises and allowable
in Chancery only, prays your
honor to take cognizance of his
cause and grant him relief
he prays that your honor app-
oint a commissioner of your
Court to enquire whether or
not it would be most to
the interest of said wards to
execute the contract of sale
by appointing a commissioner
to convey their interest in the

lands sold to Riddle afore said,
and compell the payment of
the purchase money, or to rescind
the contract, and if found to
be to their interest to execute
for them the contract, that it
be done under the directions
and supervision of your
honor, and if so confirmed
and executed order one of the
commissioners of your honora-
ble court to enquire, and repo-
rt whether or no, it would be
more to the interest of said
wards, to sell the other two
small tracts, or keep them,
and if found to their interest
to sell them then that your
honor decree their interest to
be sold, and should your
honor refuse to execute the
contract of sale of the three
larger tracts, then that your
honor cause your commissi-
oner to enquire and report,
whether or no, it would be more
to the interest of the infants
to sell or keep them, and if

for more to their interest
to sell them, than that your
honor desire them to be sold
and make such order for the
disposition of the money aris-
ing from the sale as justice
and equity requires, and should
your orator be in any way
mistaken in his special pray-
er of relief in the kind and man-
ner of relief he is entitled to,
may it please your honor
to extend to him the relief
appropriate to his case, to that
end he names Charles C Car-
rier, Hugh M Carrier, Robert C Carrier,
Harriet V Carrier, Johnathan M
Carrier, J B F Riddle, John Abbott
Wm N G Barron, and Johnathan
M White, parties defendants to
this Bill and prays the court
to compel them to answer
the same, and for process to
issue against them, and that
this cause be consolidated and
tried with the case of Wm N G Bar-
ron vs Johnathan M White
and in equity &c.

Burns &c

Cir Lett 11/1/77
 Geo. L. L. 11/1/77
 Page 56

Joseph N. Dennis
 vs } Bill

Charles C. Dennis et al

- 1877. June, Bill (Filed, 1877)
- Directors & Deane Nisi.
- July, C. C. Dennis et al vs
- Waring et al
- not over 284 dollars c.
- 1877, 1st Decree
- Aug
- 1880, Decree & Cont'd
- 1881. Mr. Dennis et al
- " " "
- 1882, Mr. Augustus Court
- 1883 Mr. Court, Aug Court
- " Nov. Courtine d.
- 1885 up to 1886 final

Joseph N. Dennis states that I
 the first of these in this Bill he
 refers to be from 29th of March
 1874
 down to before in the 29th
 of March 1879 as Joseph N. Dennis
 is

Virginia,

To the Honorable Jnt. A. Kelly Judge of the circuit Court of Lee County,

The undersigned of Charles C. Carico, Hugh M. Carico, Robert C. Carico, Harriett V. Carico and Jonathan M. Carico infants by James W. Orr their Guardian ad litem to a bill filed in your Honor's Court against these respondents ^{by Jnt. A. Kelly their Guardian} respectfully represents that these infants are of tender years and not capable of advising your respondent as to their interests in the subject matter in the cause, but as this cause seeks to dispose of these infants real estate your respondent feels confident that your Honor will require the making out of a clear case, showing that such sale or disposition of said real estate as the plaintiff asks for in his bill, will promote the interest of these infants. Before your Honor will decree according to the prayer of the bill. Your respondent therefore submits the interests of these infants to your Honor's hands, where he has no doubt they will be carefully protected.

James W. Orr Guardian
ad litem,

Done and subscribed before me Nov 29th 1877.
Henry J. Morgan Compt

Joseph M. Leavitt, ^{Guam} _{can.}

vs. ^{or} ₂ ^{Att of} C. A. L.

Chas. C. Leavitt et al.

Filed Nov 29/79.

Jas W. B. Clerk

J. M. Carrico Guardian & P. M.

75

3 In chary

Charles Carrico et als. Deft

This cause came on this day to be heard upon the papers formerly read, the report of J. M. Carrico leave and deed filed therewith and was argued by counsel on consideration whereof it is adjudged ordered and decreed that said report and deed be and they are hereby confirmed and the cause is stricken from the docket.

I m have as the Indian
no by Deere final
Chas Barnes it als

Entered May 1888
page 15-

In the year 1888

Enter This date

April 3. 1888.

H. A. M.

Joseph M Carries Pltff
vs In chcy
Charles Carries et al Dfts

This cause came on again this day to be further heard upon the papers heretofore read and the report of J R Gibson special commissioner filed on the 18th day of March 1882. and was argued by counsel. And it appearing to the Court from said report which is unacceptable to That Special Commissioner Joseph M Carries has failed to make deeds to the lots of lands heretofore sold by him to John Riddle and J B F Riddle as he was ordered to do by a former order of This Court, and that he has failed to make reports of other sales directed to be made by him as Commissioner. It is adjudged ordered and decreed That a rule be and the same is hereby awarded against said Commissioner Joseph M Carries returnable to the first day of the next term of This Court to show cause if any he can why he should not be fined for his contempt for failing to obey said orders of This Court, and it is further ordered That a copy of This decree be sent by the Clerk of This Court to

The sheriff of Wise County, Virginia
 to be by said sheriff served upon
 the said carrier And it is further
 adjudged ordered and decreed That
 said carrier make full and accurate
 report of all money received by him
~~under and by virtue of~~ ^{from} the sales made
 by him under and by virtue of the
 decrees and orders heretofore entered in
 this cause and the cause is continued

Geo M Carrier
 vs M Deener

Charles Carrier et al

Entered page 10
 C. O. B. 10.3
 (C. O. B. 10.3)

Enter This decree
 the 1. 10. 1887
 Decer 7th 1887

Joseph M. Canico Guerd &c. Pffs.

Against

Charles E. Canico et al's defts

Am J. G. Barron Jr. — — Pffs.

Against

Jonathan M. Hyatt et al's defts

In the

On the motion of the pffs in the above second styled cause, these causes are ordered to be heard together — And thereupon they came on this day again to be heard upon the papers formerly read and the reports of Commissioners on, which being unexcepted to are confirmed; and the arguments of Counsel, On consideration whereof and it appearing to the Court, that plaintiff Jos. M. Canico has not executed the duties assigned him under the decretal order of 28th Aug. 1850, but that he has during the present term filed the bond, required by a former order in the cause, with L. H. C. Dolger and John H. Snodgrass his securities, therein, conditioned as by former decrees directed; Said bond is approved, and accepted by the Court. And the said Special Commissioner Jos. M. Canico still failing to convey or direct the lands so sold by him, he is hereby removed and John R. Gibson — who is appointed a Special Commissioner in Room and stead is directed, to convey the lands sold by said

Comis received
and Amos G. Benson

217 deere

Jonathan M. Hyatt

Aug. 1. 1881

Entered pages 223-24

J. M. Hyatt
(Colon)

Enter this
day 29 / 88
J. M. Hyatt

Guarantee to Jonathan M. Hyatt, with Covenants
and conditions and J. B. & Family
of Special Warranty, to hereafter filed as an ex-
cise, to be delivered upon the payment of
the purchase money. Said Com. will report
said deed to this Court at some future
day of the Term and the cause is contin-
ued till the coming in of said report.

120
The Circuit Court of the District of Columbia
In Equity

Chas. S. Davis vs. Davis

On motion of Defendant
it is ^{agreed} ~~decided~~ to decree and ^{grant} ~~order~~ ^{the} ~~same~~ ^{as} ~~required~~ of him by the former
decree entered herein, before the Clerk
of the Circuit Court of this County, &c. and
the Court hereby do no objection to the same,
therefore leave is granted the ^{plaintiff} ~~same~~ ^{to} ~~execute~~ ^{as} ~~required~~ ^{by} ~~the~~ ^{said} ~~decree~~ ^{decree} before
the Clerk of the Court of this County, provided
that said Clerk of this County shall certify
the same, to the Deputy Sheriff, and shall
attach ^{an} ~~an~~ affidavit of each party
to said decree, showing what he is worth and
in what it consists, and shall
transmit ^{the} ~~the~~ ^{same} ~~same~~ ^{with} ~~with~~ ^{said} ~~decree~~ ^{certificates} & affidavits thereof
to the Clerk of this Court to be by him
approved and ^{the} ~~the~~ ^{same} ~~same~~ ^{as} ~~required~~ ^{by} ~~the~~ ^{said} ~~decree~~ ^{decree}
and the Clerk of this Court is
ordered to transmit to the Clerk
of the Circuit Court of this County
a copy of this ^{decree} ~~decree~~ and the decrees entered
herein on the last term of the Court and
this cause is continued.

J. Mearns & Son

P. & D. Son

Charles C. Mearns
et al.

Entered Page 169

John W. Mearns D.C.

C. Mearns & Son

J. H. K.

Apr. 4/81

Joseph M. Currier President & Comdr

W. Currier C. Currier Secy. & Treas.

The same came on again this
day to be again read on the paper
formerly read and report of Comdr
missionary Henry J. Morgan read
was agreed by Council. And said
report having been filed more than
a day before the present term of the
Court and no exceptions taken thereto
the same is approved and
Confirmed. On due consideration
of the report of the Council on that
the said already read by the Council
and as provision for his infant
children should be Confirmed, and
the said relief ^{and made a condition} be hereby Confirmed.
And it is adjudged ordered and
recorded that the Comptroller
who is hereby appointed a special
for the purpose to convey the Council's
already said by him to the purchaser

as soon as the purchase money is fully
paid. And the said Commission is
directed to sell the ^{yet unsold} interest of
land, either at public auction or by
private sale as he may deem ^{most} advisable
on credit or cash & two years, except
as to that of quit & sale which must
be paid down. If the Commission
deems it advisable to sell the land, he
must advertise the time place
and terms of sale for at least 30
days prior thereto by posting a written
advertisement thereon the front
door of the ~~main~~ house in farmville
and in the neighborhood of the
land to be sold. He must take
from the purchaser bond with
good personal security, payable
to himself or his heirs, con-
taining a waiver of the homestead
exemption and bearing witness from
date of the signed receipt
but before said Commission

promise to set under this loan
he must execute & acknowledge
before the Clerk of this Court a bond
with good security payable
to the Commonwealth in the sum of
\$4000 conditioned to faithfully
account for the sum of \$850 with
interest to be computed against
him as provided from the 18th
day of Oct 1880 till paid. Said
Commissioner will report
to court and the cause is
continued.

Joseph H. Conies
Gentleman

J. H. Conies

Charles H. Conies
Gentleman

Entered page 129.
H. H. Sherry & Co.

Wm. H. Conies

Aug 25 1881

Joseph M Carico guardian &c

vs

Charles C Carico et al

This cause comes on to be heard on the answer of the infant defendants by their guardian, Aulitem Jas H Orr, and on the Bill Taken for confessed against the other defendants, on some consideration whereof this cause is referred to H J Morgan to ascertain and report to the Court, wheath^r or no it is ⁱⁿ the interest of the infant defendants to execute the contract, of sale or receive it as to them, and should he ascertain it to be most to their interest to execute the contract he will then ascertain and report, what the life time interest of Joseph M Carico amounts to in the unpaid purchase money for the lands sold, he must give Joseph M Carico notice By, addressing him a letter directed to him at Guests Station Wise County Va placed in the mail 20 days before of when and where he will commence his sittings, he will also give

J M Carrico gnar
di m de

vs } Decree

Charles, G. Carrico et al

Each page 507

Just Wm. Clark.

Enter
J. A. R.
Dec. 1/79

350.
116 75
35
501.75
37 50
539.25

And Mr or woman with of
Amie time and place, virtually
or otherwise, more this same is
continued

Joseph M Currie Guardian ^{of} } Decease
Charles C Currie et al

It appearing to the Court
Charles C, Hugh M, Robert C, Hurriell
V and Johnathan M Currie et al
in this cause are infants, It is
ordered that Jas Worrle and
hereby is appointed guardian
ad litem for them in this cause
and being clerk of this court &
in court accepts the appointment

Caricatures
vs. Decree

Caricatures

End page 2.
Jas W. O'Connell

End
by AK
Nov 28
19

Commissioners Office Jonesville W. Va. May 24 1880.

Joseph M. Carico

Peff

vs.

In Chancery

Charles C. Carico & others

Defts

To the Hon John A. Kelly Judge of
the Circuit Court of Lee County

By a decree entered in this cause on the 1st
day of December 1877. I was directed to do certain
things therein mentioned and to report to you
the result thereof. But as to all the matters
thereof, I shall not now perhaps respond, for the
reasons hereafter stated.

The notice so far as notice was given of
this my proceeding, is shown by a paper herewith
filed marked (A).

I find on reading the Peffs bill, that he claims
that his late wife was the owner of one half
of 5 separate pieces or parcels of land, which
had been laid off and assigned to her and her
brother Jeremiah M. Wyatt, out of the land owned
by Stephen Jones dead and covered by the dower of
his late widow Mary Jones dead, and out of the
lands actually owned by her in her own right.

One of these separate pieces the Peff states, con-
tains $47\frac{1}{2}$ acres, a second 9 acres, a third 2 acres
the fourth 3 acres and the fifth $1\frac{3}{4}$ acres.

The Peff further states in his bill that he has already sold the three largest pieces, and if that is true it follows that the pieces sold are the $4\frac{1}{2}$ the 9 and the 3 acre pieces, leaving only the 2 and the $1\frac{1}{4}$ acre pieces yet to be sold.

The Peff further states in his bill that he sold the $4\frac{1}{2}$ acre piece or his late wife's interest therein for \$25.00 the 9 acre piece for \$116.75 and the 3 acre piece for \$35.00. But, ^{while} he thus states the prices he was to receive for the bulk of the $4\frac{1}{2}$ acres, yet I find from the Peff's deposition in the case of Burrin against Hyatt & others, that he there states on oath that he sold it for \$350.00, and the last sum is what I have learned from others he was in fact to get, I am therefore disposed to think that the Peff's counsel drew and prepared the bill from memory and thereby omitted the \$25.00 in the price of the land.

The $4\frac{1}{2}$ acre piece seems to have been sold on the 14th day of December 1869. And \$125.00 of the purchase money was then paid to the Peff, and a note for the residue was given of \$225.00 due in 12 months from that time, and this note I am informed is out standing and unpaid and if so is a lien on the land.

This $4\frac{1}{2}$ acre piece was sold by the Peff to one F. H. Shindle who before paying for it, sold the same to one John A. G. Hyatt who again sold the same to

Jonathan M. Hyatt the brother of Peff's late wife, but
the Peff, are whose informs us so far as I have seen,
to whom he sold the 9 acre or the 3 acre piece. To
whether he has received the money therefor or not, or
whether he and his wife in her lifetime made a deed
or deeds conveying the same to the personification,

The sales of these lands amount in the aggregate
to \$501.75 and there seems yet to be two small pieces
one of 2 acres, and the other of $1\frac{3}{4}$ acres yet not sold.
And were these sold and the proceeds thereof thus
ascertained, we would then have a sort of basis on
which to proceed in order to ascertain the present
value of the life estate of the Peff in these lands as
tenant by the curtesy. And as there are but $3\frac{3}{4}$
acres yet unsold, I am disposed with the view
of reporting on all the matters referred to me to
consider these last two pieces as sold and that
they brought \$37.50 which would be at the rate of
ten dollars per acre, and that would in all prob-
ability approximate what they could really bring
if put up to the highest bidder, isolated and
separated as they are represented to be and when
we add this supposed value of the $3\frac{3}{4}$ acres to the
sum of the actual sales we have as the total
value of all the lands the sum of \$539.25

In the month of April last I was in the Turkey
Cove on business relating to the suit of James F.
Jones vs. David G. Reese, and while there was
informed that I had been directed to take an
account in this case, and to make a report as to
whether or not it was or would be to the interest
of the infant defendants in this case to execute
the contract or contracts in the Puffs Hill mentioned
and with the view of satisfying myself as to that
matter, I went upon and looked at the 47 acre
piece, but did not look at either of the others, I
was shown ^{however} where one of the other smaller pieces
lay and how situated.

The 47 acre piece lies in a long narrow strip
from the main road in Turkey Cove to the top of
Wallens ridge, and perhaps not more than three
or 4 acres thereof north of said road.

Since Jonathan M. Byatt has become the purchaser
of his sisters half thereof he has built a dwelling
house stable and a tenement house, has cleared
some 3 or 4 acres of land, re-sit and made some
new fence, and has sown some of the land in grass
and while all this has been done, I am of opinion
that if one half of the 47 acre piece was now put up

for sale, in its improved condition it would not bring more than \$350.00 if that much, I therefore think the sale made by the Poff was a good one so far as the 47 acre piece is concerned, and that the interest of the infants will be promoted by executing the contract so far as this piece is concerned, provided there is a sufficient amount of the purchase ^{money} yet due thereon to give to the said infants what ought to be due them at the termination of the life term, if now put at interest and compounded annually until that period, and these remarks will apply with equal force to the other piece fronted out to me, if it has already been sold, the contract should be executed, and if not, the same ought to be sold, and the money put at interest, for it lies on the north side of said ridge cut in the center of a large boundary of cleared land, no timber on it, and it would be nearly worth the land to fence it and were it fenced, still the owner would have no way of getting to & from it, without passing over the land of some one else.

As to the other three pieces I can say nothing as to my own knowledge, but if it is true that they do not adjoin each other, and are surrounded by the lands of others and in such small parcels

as is represented, then I should at once say that so far as they are now sold, the contracts of sale should be enforced, and the lands not sold should be sold and the money invested for the benefit of the infants: or at least a proportion thereof.

We have seen that the estimated value of the lands not sold, and the price of the three pieces actually sold amounts to \$539.25 and as the Pff is or would be entitled to the profits and profits of the land during his life it would seem that he ought now to be entitled to a sum equal to the value of the interest upon said sum annually during his life, in other words he ought to receive annually in the way of profits and profits, a sum equal to the interest on the value of said land, which is \$32.55 per year and this to continue during his life, and as he seeks to get the value of his life estate in ready money instead of taking the interest annually, we must now ascertain what that life estate is worth.

As shown by a paper herewith filed (marked B) the Pff swears he was born the 15th day of Oct 1832 and if that is true, he was 47 years old in Oct 1879, and will be 48 years old in Oct 1880.

At the age of 45 a person is presumed in law to live 23 years and $\frac{92}{365}$ of a year, at the age of

50 it is contemplated that they will yet live 21^{1/2} years, and the Peff in this case being now nearly 48 years old. I shall consider the probable duration of his life to be yet 22 years, and upon this basis and that of the annual interest on the value of said land, will proceed to ascertain the value of the Peff's life interest as of October 15 1880 and having attempted to make that calculation and statement I herewith file the same marked B15 by this it will be seen that the plaintiff ought to receive out of the purchase price of the land as of the 15 day of October 1880 the sum of \$397.79 and that would leave of the purchase and value of the land \$139.26 to be put at interest for the benefit of the children of the Peff

The fund to be divided between the life tenant and the reversioners is \$539.25 and when the life tenant gets his due proportion thereof, there ought to be such a sum left for the reversioners that if the same was put at interest on the 15th day of October 1880 and the interest compounded annually for 22 years from that time, that at the end of that period there would be a fund for the reversioners of \$539.25 the present value of the land

for about 22 years from that time in contemplation of law, the infants would get the land if the same is now sold, so that what they would then get ought to be equal to the present value of the land.

I have often heard it said, that in order to prove the "Pudding," it was a good plan to "Churn the Bag." In this case I have tried to apply that rule by churning the bag, and this rule when thus applied to this case, makes the pudding bad, for the \$139.26 if put at interest and compounded annually for 22 years will not yield \$539.25 but will only give \$501.69 as shown by a calculation herewith filed marked (D). I believe however that ^{the} principle on which I have proceeded, is the correct one, and that the variance is owing to an error or errors in one or both of the calculations.

I have looked over each a second time with the view of finding the error, but have not succeeded but I still think there is one and were I to overlook the whole a dozen times I think I would be likely to blunder at the same place every time.

One hundred and fifty dollars put at interest at the 1880 and the interest compounded annually, for 22 years will give the sum of \$540.56 as is shown

Joseph M. Garico

vs } Common Pleas,

Charles C. Garico & Co.

Filed July 13th 1880.

H. C. Stebbins

Common Pleas fee \$12.00

Fee Paid

To The Honorable John S. Kelly Judge of the
Circuit Court of Lee County.

The undersigned who was appointed a special
Commissioner for the purpose of making
Certain Conveyances, in the Cause of Joseph
M. Carico Guardian &c and Wm. G. Bonner.
against Jonathan Hyatt et al. now being heard
together begs leave to report, that he has made
and executed, the deed of conveyance with Cove-
nant of Special warranty to Jonathan M.
Hyatt for the parcel of land sold to him.
And herewith files said deed for inspection.

Your Commissioner feels, however, that he
cannot further execute said order, as his
predecessor, Joseph M. Carico Guardian, has
not reported the names of the purchasers
to whom he has sold the same, or whether or
not he has made sale of the two small
pieces. Your Comm. therefore suggests an inqui-
ry as to these parcels, and the amount they
have paid before he can further execute the
deed to him directed at the present time.

All of which is respectfully submitted.

John H. Gibson Special Commissioner

Jos M Canico Guard of
Charles Canico et al and
Wm. G. Barron. Sr.

of Report of Comr.
John R. Gibson.

Jonathan M. Hyatt et al
Filed Aug. 30th 1881.
J. A. G. Hyatt
Clerk

John H. Burrows deceased

Plff.

Charles H. Burrows et al

Def.

and

Wm. A. Burrows et

Def.

In say.

John H. Burrows

Def.

To the Hon. Jm. A. Kelly Judge of the Circuit Court
of Lee County.

The undersigned a special Commissioner was ordered
to receive and render at the May Term of your
Honor's Court, directing said Court to inquire and report
to whom said John H. Burrows deceased sold the other
lots of land mentioned in said report as to
and the amount of purchase money yet due from
them.

Respectfully reports that his undersigned
interest of the 1 acre tract being one half thereof was
sold by said Burrows to John Fiddle and his one
half of the 12 acre tract was sold to J. P. Fiddle.

Said sales were made about the year 1867 or 1868
and the purchase money is retained by said parties
to have long since been paid by said parties
but no deeds have been made in yet to said land
by said Burrows said Burrows deceased owned one
half of six acres lying on the north side of Miller
Ridge which tract as I am informed is now
he has claimed to have an interest in same.

other small piece which descended to his heirs
from the estate of John Jones dead, which I learned
he has lately sold to one J. M. Byrte but no deed
has been made to any of said lands except the
one made filed by your Court, at the last reg-
ister of your Honor's Court to the 4 1/2 acres which
embraced the two acres & the three acre tract referred
to in said Mortgage note.

Respectfully Submitted

John R. Lindsay Special Court

Joseph V. Cornell

1871
Lamar, Calif

Wm. S. Dr. West Bros.

Little March 1871

To W. S. Dr. West
Calif

Cornifera - 1871

To the Honorable J. S. K. Morison Judge of the
Circuit Court of Lu County Virginia

Your Commissioner in the chancery
cause of Joseph M. Barrios Guardian &c vs
Charles Barrios et al would respectfully show
your Honor that he has heretofore made deeds
to John Riddle and to J. B. F. Riddle for the two
small pieces sold to them and he now files
herewith the deed to J. M. Wyatt for the one
half interest in the 6 1/2 acre Tract sold to him
These are all the lands that have ever been
sold by him, there are some other lands claim-
ed by the heirs of Stephen and Mary Jones
in which his wards will have an interest
if any thing is ever realized therefrom
which is very doubtful.

The sales made by your Commissioner as
guardian & Commissioner are as follows.

4 7/2 acres.	1/2 interest in same.	\$350.00
9 "	1/2 " " "	116.75-
3 "	1/2 " " "	35.00
6 1/2 "	1/2 " " "	20.00
1 3/4 "	1/2 " " "	25.00
Total -		\$546.75-

By Judge Morgans report filed in
This cause your Honor's life estate
on \$539. is fixed at \$99.00 to which
add only one dollar for life estate
in sales since which makes

400.00

leaving a balance of -

146.75-

This fully settles up the whole matter
unless it should hereafter be ascertained
that the other lands referred to above

should hereafter prove to be worth some
thing. Your commission has fully
paid all the costs and there remains
nothing further to be done in the cause
April 3rd 1888. Very respectfully submitted
Jno. M. Carico

J M Carico Genl.
no 33 Carico Report.

Carico Carico

Filed in Open Court
by Carico thereof
April 3rd 1888.
J. M. Carico

Commissioners office Jonesville W. May 3rd 1880
Joseph M. Carico Guardian & Pff
vs.

Charles L. Carico & others

Depts.

In testimony
of the

Notice is hereby given that the Pff. shall at any office
in Jonesville on the 24th day of May, 1880 I will proceed
to take the account and make the report as required
by a decree entered in this cause on the 1st day
of Decr. 1879 at which place and time, the Pff. Mr.
Carico and James H. Orr Guardian ad litem for the infant
defendants will attend.

Henry Morgan Clerk

Joseph M. Carver, Grant

at 3/4 Notice March 24 1880

Charles C. Carver & Co.

On the 5th day of May 1880
I met in the first office at
at present in a copy of the
which enclosed in an en-
velope addressed to the Post
at Grants Station New Mexico
and I also delivered to the
H. C. another copy
of the same.

(A)

Virginia

Wise County Virginia I Samuel Salzer
a Justice of the Peace of Wise County, Certify that
J. M. Carver personally appeared before me
and made oath that he was born in Green
County Virginia on the 18 day of October 1832
given under my hand this 25th day of May
1880 Samuel Salzer J/P

Sale made Dec. 4. 1869

J. M. Currier's

offspring as to age

B

(B)

1880 Oct 18	As 106 is to 100. So is	\$32 35	to the sum required	30 51	94
1881 " 18	" 106 is to 100 " "	30 51	" " " "	28 78	32
1882 " 18	" 106 is to \$100. " "	28 78	" " " "	27 15	10
1883 " 18	" 106 is to 100 " "	27 15	" " " "	26 55	70
1884 " " "	" 106 is to 100 " "	26 55	" " " "	25 04	76
1885 " " "	" 106 is to 100 " "	25 04	" " " "	23 62	28
1886 " " "	" 106 is to 100 " "	23 62	" " " "	22 28	32
1887 " " "	" 106 is to 100 " "	22 28	" " " "	21 01	74
1888 " " "	" 106 " " 100 " "	21 01	" " " "	19 82	08
1889 " " "	" 106 is to 100 " "	19 82	" " " "	18 69	86
1890 " " "	" 106 is to 100 " "	18 69	" " " "	17 63	22
1891 " " "	" 106 is to 100 " "	17 63	" " " "	16 63	22
1892 " " "	" 106 is to 100 " "	16 63	" " " "	15 68	92
1893 " " "	" 106 " to 100 " "	15 68	" " " "	14 79	26
1894 " " "	" 106 " to 100 " "	14 79	" " " "	13 95	30
1895 " " "	" 106 " to 100 " "	13 95	" " " "	13 16	04
1896 " " "	" 106 is to 100 " "	13 16	" " " "	12 41	54
1897 " " "	" 106 is to 100 " "	12 41	" " " "	11 70	80
1898 " " "	" 106 " " 100 " "	11 70	" " " "	11 03	82
1899 " " "	" 106 " to 100 " "	11 03	" " " "	10 40	60
1900 " " "	" 106 is to 100 " "	10 40	" " " "	9 81	14
1901 " " "	" 106 " " 100 " "	9 81	" " " "	9 25	50

Value of Peffs life estate Oct 18-1880 \$399 99

Calculation and
Statement of Life Estate

(6)

Oct 1880. *Supposed Sum paid at Int. Oct 18. 1880*

" " 1881 *Int on Sum to Oct 18. 1881.*

" " 1882 *Int " " " 1882*

" " 1883 *" " " 1883*

" " 1884 *" " " 1884*

" " " 1885

" " " 1886

Interest on last Sum to Oct 18. 1887

" " " " " 1888

" " " " " 1889

" " " " " 1890

" " " " " 1891

" " " " " 1892

" " " " " 1893

" " " " " 1894

" " " " " 1895

" " " " " 1896

" " " " " 1897

" " " " " 1898

" " " " " 1899

" " " " " 1900

" " " " " 1901

" " " " " 1902

		C	F.
139	26		
8	35	56	
147	61		
8	85	66	
156	46		
9	38	76	
165	84		
9	75	04	
175	77		
10	54	74	
186	33		
11	17	98	
197	50		
11	85	00	
209	85		
12	56	10	
221	91		
13	31	46	
235	22		
14	11	32	
249	33		
14	95	98	
264	28		
15	85	68	
280	13		
16	80	78	
296	93		
17	81	58	
314	74		
18	88	44	
333	62		
20	01	71	
353	63		
21	21	78	
374	84		
22	49	04	
397	33		
23	83	98	
421	16		
25	26	96	
446	42		
26	88	52	
473	30		
28	39	80	
501	67		

Calculation of

Flowers and Int

(S)

Supposed Sum paid at Interest Oct 18. 1880

Int on Same To Oct 1881

Interest on Last Sum to Oct 18- 1882

" " " " " " 1883

" " " " " " 1884

" " " " " " 1885

" " " " " " 1886

" " " " " " 1887

" " " " " " 1888

" " " " " " 1889

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" " " " " " 1896

" " " " " " 1897

" " " " " " 1898

" " " " " " 1899

" " " " " " 1900

" " " " " " 1901

" " " " " " 1902

150 00

7 00

157 00

9 54

168 54

10 11

178 65

10 72

189 37

11 36

200 73

12 04

212 77

12 79

225 56

13 53

239 09

14 35

253 44

15 20

268 64

16 12

284 76

17 09

301 85

18 11

319 96

19 20

339 16

20 35

359 51

21 57

381 08

22 86

403 94

24 24

428 18

25 69

453 87

27 23

481 10

28 86

509 96

30 60

540 56

54 75

Second Calculation of
Reversionary Interest

(6)

Virginia vs. At a circuit Court Court held for Lee
County at &c. Decr 6th 1887.

J. M. Carrico

Piff. Jan. 1888.

vs.
Charles Carrico et al

Defts.

This cause came on again this day
to be heard upon the papers formerly read & the
report of J. Wilson Special Commissioner filed on the 14th
day of March 1882 and was argued by Carrico
and it appearing to the Court from said report
which is unexcepted to that Special Commissioner
Carrico has failed to make deeds to the lots of land
heretofore sold by him to J. R. Riddle & J. F. Riddle as
he was ordered to do by a former decree of this
Court. And that he has failed to make report of
the other sales directed to be made by him as
Commissioner. It is adjudged & decreed
that a rule be & the same is hereby awarded against
said Commissioner Carrico returnable to the first day of the
next term of this Court, to show cause if any he
can why he should not be fined for his contempt
for failing to obey said orders of this Court and it
is further ordered that a copy of this Decree be sent by the
Clerk of this Court to the Sheriff of this Lee County
to be by said Sheriff of this Co. served upon said Carrico
and it is further adjudged & decreed that said Carrico
make full & accurate report of all money orders
received by him from the sales made by him under
& by virtue of this decree & orders heretofore entered in
this cause & the cause is continued.

J. B. L. Haytt c.

For
M. O. S. 1820

67
9
543

1800
1800
1800

I, the undersigned, J. B. Carrico, L. H. A. Salzer and John H. Snodgrass are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Four hundred dollars for the payment thereof well and truly to be made to the said Commonwealth as heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemption as to this bond. Witness our hands and seals this 20th day of August 1881.

The condition of the above obligation is such that, whereas in a summary cause now pending in the Circuit Court of Lee County Virginia in which Joseph H. Carrico is plaintiff, and Charles Carrico et als are defendants by a decree rendered in said cause at the August Term 1880 the said Joseph H. Carrico was appointed a special Commissioner to sell and convey certain lands in said cause mentioned and collect the purchase money therefor but before proceeding to sell under said decree, said Commissioner was required to enter and acknowledge before the Clerk of said court a bond with good security in the penalty of \$400.00 and to be fully accountable for the sum of \$100.00 with interest to be computed against him as follows from the 1st day of October 1880, till paid. Now if the said Joseph

Mr. Carico shall faithfully account for the ^{paid} sum
of \$1500 with interest to be computed against
him as aforesaid, then the above obligation to be
void, otherwise to remain in full force and virtue.
Jas. M. Carico

J. H. M. Salzer Secy
John H. Luedzgraff, Secy

Joseph M. Carico

no 3 Bonds of J. H. M.

Charles L. Carico et al

no 4 Bonds of J. H. M.

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon *Charles C. Carrico, Hugh M. Carrico, Robert C. Carrico, Harriet V. Carrico, Jonathan M. Carrico, J. B. F. Riddle, John Hyatt, Wm. A. S. Barron & Jonathan M. Hyatt*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

June next, being rule day, to answer a bill in Chancery, exhibited in our said Court against
them by *Joseph M. Carrico,*
Guardian for Charles C., Hugh M., Robert C.,
Harriet V. & Jonathan M. Carrico,

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *16th*
day of *April* 187*9*; in the *103^d* year of the Commonwealth.

J. W. Orr Jr. & CLERK.

Joseph M. Carrier & Co.

28 30 Spain Chy.
4 Copies

Chas. C. Carrier et al.

June Rules 1879.

Executed May the 30th 79
by delivering A copy to the
Defendants

Silas Young D.D.

For J. S. Ely shff

The Commonwealth of Virginia,

To the Sheriff of ^{Wise} Lee County---Greeting:

We Command you to Summon *Charles C. Carnes, Hugh M. Carnes, Robert C. Carnes, Harriet V. Carnes, Jonathan M. Carnes, J. B. F. Riddle, John Hyatt, Wm. B. G. Barron & Jonathan M. Wyatt*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

June next, being rule day, to answer a bill in Chancery, exhibited in our said Court against
them by *Joseph M. Carnes*

Guardian for Charles C., Hugh M. Robert C., Harriet V. and Jonathan M. Carnes

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *16th*
day of *April* 187*9*; in the *103* year of the Commonwealth.

J. W. Orr Jr. W. CLERK.

B

Joseph M. Carico Esq.

vs Spain Chy
5 copies

Charles C. Carico
- et al

June Rule 1879

Executed by deliver
ing a true copy of the
Within Spain Chy to
Charles C. Carico, Hugh
M. Carico, Robert C.
Carico, Harriet V. Carico
and Johnathon M. Carico
the others not named
in my Oath may
10th 1879

J. A. Gray Deputy

W. J. Fleming
Miss Brumby